



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/634,594	04/25/96	TONKS	R JAD-38195

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PM52/0305

EXAMINER

MONTGOMERY, C

ART UNIT	PAPER NUMBER
3641	8

DATE MAILED: 03/05/98

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

## Office Action Summary

SECRET  
DECLASSIFIED BY ORIGINATING AGENCY

Application No.

08/634,594

Applicant(s)

Tonks et al

Examiner

Montgomery, C. Keith

Group Art Unit

3641

☐ Responsive to communication(s) filed on \_\_\_\_\_

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A ~~shortened~~ statutory period for response to this action is set to expire 6 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). ~~Extensions of time may be obtained under the provisions of 37 CFR 1.136(e).~~

## Disposition of Claims

☒ Claim(s) 1-12 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-12 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 7

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

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FOREIGN GOVERNMENT  
INFORMATION

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 3641

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**DETAILED ACTION**

1. Claim 1 is objected to because of the following informalities:

In line 2 of claim 1, "a" should be "an."

In lines 4, 6, and 8 of claim 1, the deflector door is referred to as a deflector door, a deflector, and as a door. It appears that all of these terms refer to one element, and the use of a single term (i.e. "deflector door") for this element throughout the claims is preferred. Appropriate correction is required.

2. Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In lines 7-8 of claim 1, the sidewalls are described as "movable in the plane of the door," which does not appear to agree with the drawings in the instant specification: rather than being movable in the plane of the door, the disclosed sidewalls appear to be *translatable along a plane which is parallel to the surface of the deflector door*.

In lines 2-3 of claim 6, the phrase "tray type structure" is indefinite because the scope of what comprises a tray *type* structure is not clear.

In lines 5-6 of claim 9, the phrase "parallelogram type linkage" is indefinite because the scope of what comprises a parallelogram *type* linkage is not clear.

In lines 3-4 of claim 11, there is no antecedent basis for "the main region of the door."

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Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. This claim is an omnibus type claim.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Insofar as can be determined in light of their indefiniteness, claims 1-5 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by MacLean et al (U.S. patent 4,978,071). In figure 2, MacLean discloses an airframe/nozzle arrangement comprising:  
a hinged deflector door mounted on the underside of an airframe formed by elements 26B, 96b, 96a, 32b, 60BL, 60BR;  
right and left sidewall deflectors 70BR and 70BL; wherein  
the sidewalls are movable in the plane of the door (via hinges 60);  
the motion of the sidewalls is coordinated to provide left or right yaw; and  
the downstream edge of the deflector door is angled with respect to the main region of the door (see bottom right flap portion in figure 3).

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5. Claims 6-10 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112 set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Enderle et al, Meyer, Thayer, Oppen, Jr. et al, and to Holden are cited to show thrust deflectors which induce yaw. The patents to Neumayr, Moller, Sadleir, Bacchi et al, and to Bradbury are cited to show VSTOL/VTOL aircraft with thrust vectoring. The patents to Smale and to Fischer are cited to show vane links.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keith Montgomery whose telephone number is (703) 306-4164.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Jordan, can be reached at (703) 306-4159. The appropriate fax phone number for the organization where this application or proceeding is assigned is (703) 306-4195.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-4177.

*CLM*

C. Keith Montgomery

February 18, 1998

*Charles T. Jordan*  
CHARLES T. JORDAN  
SUPERVISORY PATENT EXAMINER  
GROUP 2200  
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